

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH FORTH,

Plaintiff,

Case No. 1:22-cv-390

v.

Hon. Hala Y. Jarbou

T. LEBO, et al.,

Defendants.

ORDER

On September 13, 2023, Magistrate Judge Phillip J. Green issued a Report and Recommendation (R&R) recommending that MDOC Defendants Lebo, Silvernail, Stephan, Nagorny and Buskirk's Motion for Summary Judgment on the Basis of Exhaustion be granted in part and denied in part and that Plaintiff's claims against unidentified Doe Defendants be dismissed without prejudice for failure to timely effect service (ECF No. 42). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on September 27, 2023. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 42) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that MDOC Defendants Lebo, Silvernail, Stephan, Nagorny and Buskirk's Motion for Summary Judgment on the Basis of Exhaustion (ECF No. 24) be **GRANTED IN PART** and **DENIED IN PART**. Plaintiff's claims against Defendant Stephan are dismissed without prejudice for failure to exhaust administrative remedies.

IT IS FURTHER ORDERED that Plaintiff's claims against unidentified Doe Defendants are **DISMISSED WITHOUT PREJUDICE** for failure to timely effect service.

Dated: October 2, 2023

/s/ Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE